

AMENDMENTS TO THE CLAIMS

1. **(Currently amended)** An isolated nucleic acid comprising at least 19 consecutive nucleotides of a sequence as defined in SEQ ID NO: 1 or a fragment thereof, wherein the fragment comprises a sequence of 15 or more nucleotides from SEQ ID NO: 3.

2.-5. **(Cancelled)**

6. **(Currently amended)** A vector comprising a nucleic acid according to Claim 1, wherein said nucleic acid comprises full-length SEQ ID NO: 1.

7. **(Previously presented)** A recombinant host cell comprising the vector in accordance with claim 6.

8. **(Currently amended)** A recombinant host cell according to Claim 7, wherein the vector expresses a polypeptide comprising a sequence as defined in SEQ ID NO: 10.

9.-23. **(Cancelled)**

24. **(Previously presented)** A kit comprising the isolated nucleic acid as set forth in Claim 1 and reagents for detecting hybridization of said nucleic acid.

25.-27. **(Cancelled)**

28. **(Currently amended)** A method for screening a subject for infection by a virus of the herpesviridae group, the method comprising:

- (a) obtaining a biological sample from said subject;
- (b) contacting said biological sample from said subject with the an isolated nucleic acid sequence of claim 1; and
- (c) detecting the presence or absence of hybridization between a nucleic acid in said biological sample and the isolated nucleic acid of claim 1, wherein the presence of hybridization indicates infection.

29. **(Cancelled)**

30. **(Currently amended)** The method of claim 28, wherein the isolated nucleic acid is capable of selectively hybridizing to a nucleic acid encoding an IL-10 homologue expressed during the latent phase of infection by a virus of the herpesviridae group.

31. **(Withdrawn- currently amended)** The method of claim 28, wherein the isolated nucleic acid comprises SEQ ID NO: 3 or a fragment thereof comprising 15 or more nucleotides from SEQ ID NO: 3 or corresponds to any one of SEQ ID Nos: 2 to 9.

32. **(Withdrawn- currently amended)** An isolated nucleic acid according to Claim 1, wherein the nucleic acid sequence is SEQ ID NO: 3 or corresponds to any one of SEQ ID Nos: 2 to 9.

33.-39. **(Canceled)**

40. **(Withdrawn- currently amended)** An immunogenic composition vaccine comprising, wherein said vaccine comprises the nucleic acid of Claim 1, wherein said nucleic acid encodes comprises at least a portion of SEQ ID NO: 1 encoding an antigenic fragment of SEQ ID NO: 10, together with a pharmaceutically acceptable carrier, adjuvant and/or diluent.

41. **(Withdrawn)** A method for inducing an immune response in a vertebrate against disease associated with infection by a virus of the herpesviridae group, comprising administering to said vertebrate an immunologically effective amount of a vaccine of claim 40, wherein said method induces an immune response.

42. **(Withdrawn)** A method for the treatment and/or prophylaxis of disease associated with infection by a virus of the herpesviridae group in a vertebrate, wherein said method comprises administering a therapeutically effective amount of the vaccine of claim 40, wherein said method treats or prevents disease associated with infection by a virus of the herpesviridae group in a vertebrate.

43. **(Withdrawn)** The method of claim 41, wherein the vaccine is simultaneously or sequentially administered with cytokines.

44. **(Withdrawn)** The method of claim 43, wherein the cytokines are selected from the group consisting of: G-CSF, GM-CSF and interleukins.

45.-51. **(Canceled)**

52. **(Currently amended)** A method of diagnosing diagnosis of infection or lack of infection of a subject by a virus of the herpesviridae group, the method comprising:

- (a) obtaining a biological sample from said subject;
- (b) contacting said biological sample from said subject with the isolated nucleic acid sequence of claim 1;
- (c) detecting the presence or absence of hybridization between a nucleic acid in said biological sample and the isolated nucleic acid sequence of claim 1, and
- (d) diagnosing infection of said subject based on the presence of said hybridization or diagnosing lack of infection based on the absence of said hybridization.

53.-57. (Canceled)

58. (Currently amended) The isolated nucleic acid of Claim 1, wherein said nucleic acid consists of said sequence as defined in SEQ ID NO: 1 or a fragment thereof comprising a sequence of 15 or more nucleotides from SEQ ID NO: 3 at least 19 consecutive nucleotides of SEQ ID NO: 1.

59. (New) A method of diagnosis of a latent infection by a virus of the herpesvirideae group in a subject, the method comprising:

- (a) obtaining a biological sample from said subject; and
- (b) detecting the presence or absence of a nucleic acid according to Claim 1 in the sample, wherein detection of said nucleic acid is diagnostic of said latent infection.

60. (Withdrawn- New) The method of claim 59, wherein said detecting utilizes a fragment of a nucleic acid as defined in SEQ ID NO: 1, wherein the fragment comprises the sequence of SEQ ID NO: 3.

61. (Withdrawn- New) The method of claim 60, wherein said detecting is by polymerase chain reaction utilizing a nucleic acid as defined in SEQ ID NO: 3 in combination with a nucleic acid fragment as defined in any one of SEQ ID NOS: 4-9.

62. (New) The isolated nucleic acid of Claim 1, wherein said fragment comprises SEQ ID NO: 3.